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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.7044 OF 2006

Jawaharlal Nehru Institute & Ors..Petitioners

Vs.

University of Mumbai & ors. ..Respondents

Mr. Madhav Jamdar, for the Petitioners
Mr. B.V. Phadnis, for respondent No.1.
Mrs. S.S. Bhende, AGP for respondent No.2.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 9TH MARCH, 2007.

P.C.

. Learned Counsel for the petitioner states that he has served respondent No.3. None present. In view of the order to be passed notice on Respondent No.3 dispensed with.

2. Rule. Heard forthwith. The main grievance of the petitioner is to the communication dated 29th July, 2006 whereby the amount paid to respondent No.3 has been worked out and communicated to the petitioners herein. Learned Counsel for the petitioner draws our attention to the order of this Court dated 4-8-2005 in Writ Petition No.315 of 2005. By that order the learned Division Bench has directed that the amount due and payable to the respondent No.3 should be in terms of the report of the Grievance Committee and to pay arrears with interest at the rate of 9% per annum from the date of the report of the Grievance Committee. In other words according to the learned Counsel for the

petitioner the interest payable on the amount calculated would be from the date of the report of the Grievance Committee which was from April, 2004. The calculation worked out show interest right from February, 1997. This is disputed by the petitioners.

3. We have considered the contentions as raised by the petitioner herein. We may reproduce the part of the order which is relevant in Writ Petition No.315 of 2005 which reads as under;-

> "We, therefore, direct the Institution to implement the report of the Grievance Committee within a period of 8 weeks from today and pay arrears with interest at the rate of 9% p.a. from the date of the report of the Grievance Committee. The Deputy Registrar of the Mumbai University is directed to calculate the arrears as per the recommendation of the Grievance Committee and communicate the same to the Institution within four weeks from today."

From a perusal of the said direction we are clear that the Deputy Registrar was called upon to compute the arrears as per the recommendation of the Grievance Committee and those arrears from the date of the report of the grievance committee would carry interest at 9% per annum. That would be from April, 2004 which is when the Grievance Committee gave its report. In the light of that the impugned communication dated 29th July, 2006 is set aside. The

matter is remanded back to the Deputy Registrar, Mumbai University for reworking the amounts in terms of what we have set out above and dispose of the same within four weeks from today. On that being submitted the petitioner to comply with the recommendation not later than eight weeks thereafter.

(**F.I.REBELLO**, J)

(**R.M.SAVANT,J**.)